

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE: PEACE RIVER CHARTERS  
LLC

Case No.: 2:19-cv-873-FtM-38NPM

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is Claimant James Kulich's Unopposed Motion to Stay Action for Exoneration from or Limitation of Liability and to Lift Injunction Restraining Actions against Petitioner ([Doc. 22](#)). Peace River Charters, LLC filed this limitation-of-liability action after Kulich was injured on one of its airboats. Kulich, the sole claimant, wants to pursue his personal injury claims in a separate proceeding.

When there is only one claimant in a limitation-of-liability action, "the single claimant may try liability and damages issues in another forum by filing stipulations that protect the shipowner's right to have the admiralty court ultimately adjudicate its claim to limited liability." [Beiswenger Enters. Corp. v. Carletta](#), 86 F.3d 1032, 1037 (11th Cir. 1996). Because the Motion is unopposed and accompanied by the requisite stipulations ([Doc. 23](#)), the Court will grant it.

Accordingly, it is now

**ORDERED:**

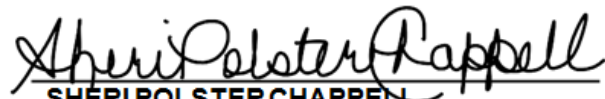
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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Claimant James Kulich's Unopposed Motion to Stay Action for Exoneration from or Limitation of Liability and to Lift Injunction Restraining Actions against Petitioner ([Doc. 22](#)) is **GRANTED**.

- (1) The injunction restraining action against Peace River Charters, LLC is lifted to permit James Kulich to pursue his claims outside this case.
- (2) All proceedings in this case are **STAYED** until the parties advise the Court that the stay should be lifted or the case should be dismissed. The parties shall so notify the Court within **seven days** of the resolution of Kulich's claims.
- (3) Kulich is **ORDERED** to file a joint report on the status of his claim on or before **June 3, 2020**, and every 90 days thereafter.
- (4) The Clerk is **DIRECTED** to add a stay flag.

**DONE** and **ORDERED** in Fort Myers, Florida this 5th day of March, 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record